

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

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January 16, 2018

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 17-11101 In re: Darren Reagan

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Cindy M. Broadhead, Deputy Clerk
504-310-7707

Ms. Karen S. Mitchell
Mr. Darren L. Reagan

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 17-11101



In re: DARREN L. REAGAN,

A True Copy

Certified order issued Jan 16, 2018

Lyfe W. Cayce
Movant Clerk, U.S. Court of Appeals, Fifth Circuit

Motion for an order authorizing
the United States District Court for the
Northern District of Texas to consider
a successive 28 U.S.C. § 2255 motion

Before HIGGINBOTHAM, PRADO, and HAYNES, Circuit Judges.

PER CURIAM:

Darren L. Reagan, federal prisoner # 37109-177, moves for authorization to file a successive 28 U.S.C. § 2255 motion to challenge his convictions and sentences for conspiring to commit extortion and aiding and abetting extortion by a public official.

To receive the requested authorization, Reagan must make a *prima facie* showing that his motion relies on either (1) “newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty,” or (2) a new, previously unavailable rule of constitutional law made retroactive on collateral review by the Supreme Court. See § 2255(h)(1) and (2); 28 U.S.C. § 2244(b)(3)(C); *Reyes-Requena v. United States*, 243 F.3d 893, 897-99 (5th Cir. 2001) (incorporating the *prima facie*

requirement of § 2244(b)(3)(C) into § 2255). He does not make the necessary showing. Accordingly, IT IS ORDERED that his motion for authorization is DENIED.